

**FILED: BRONX COUNTY CLERK 01/24/2022 07:50 AM**

INDEX NO. 801089/2022E

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 01/24/2022

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX-----X  
TIMOTHY HARNETT

Plaintiff(s),

-against-

CSX TRANSPORTATION, INC.

Defendant(s).  
-----XIndex No.:  
Date Purchased:  
**SUMMONS**Plaintiff designates Bronx  
County as the place of trial.The basis of venue is:  
Plaintiff's ResidencePlaintiff resides at:  
2524 Creston Avenue  
Bronx, NY 10468  
County of Bronx**To the above named Defendants:**

**You are hereby summoned** to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Great Neck, NY  
January 24, 2022  
\_\_\_\_\_  
HOWARD SCHATZ  
SILBOWITZ, GARAFOLA, SILBOWITZ,  
SCHATZ & FREDERICK, LLP  
ATTORNEY FOR PLAINTIFF(S)  
TIMOTHY HARNETT  
55 WATER MILL LANE, SUITE 400  
GREAT NECK, NY 11021  
(212) 354-6800  
Our File No. 202100371TO:  
CSX TRANSPORTATION, INC.  
500 Water Street  
Jacksonville, FL 32202**EXHIBIT****A**

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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TIMOTHY HARNETT

Plaintiff(s),

Index No.: .

Date Purchased:

**VERIFIED COMPLAINT**

-against-

CSX TRANSPORTATION, INC.

Defendant(s).  
-----X

Plaintiff, by his attorneys, **SILBOWITZ, GARAFOLA, SILBOWITZ, SCHATZ & FREDERICK, LLP**, complaining of the Defendant, respectfully alleges, upon information and belief, as follows:

1. That at the time of the commencement of this action, Plaintiff **TIMOTHY HARNETT** resided in the County of Bronx, State of New York.
2. That the cause of action alleged herein arose in the County of Bronx, City and State of New York.
3. That this action falls within one or more of the exemptions set forth in CPLR §1602.
4. That at all times hereinafter mentioned, Defendant **CSX TRANSPORTATION, INC.** was and still is a foreign business corporation company duly organized and existing under and by virtue of the laws of the State of New York.
5. That at all times hereinafter mentioned, Defendant **CSX TRANSPORTATION, INC.** maintained a principal place of business in the County of Duval and State of Florida, located at 500 Water Street, Jacksonville, FL 32202.
6. That on January 21, 2021, and at all times herein mentioned, Defendant **CSX TRANSPORTATION, INC.** owned the premises located at 1090 Longwood Avenue, in the County of Bronx, City and State of New York.

7. That on January 21, 2021, and at all times herein mentioned, the aforesaid premises were operated by Defendant **CSX TRANSPORTATION, INC.**

8. That on January 21, 2021, and at all times herein mentioned, the aforesaid premises were managed by Defendant **CSX TRANSPORTATION, INC.**

9. That on January 21, 2021, and at all times herein mentioned, the aforesaid premises were controlled by Defendant **CSX TRANSPORTATION, INC.**

10. That on January 21, 2021, and at all times herein mentioned, the aforesaid premises were maintained by Defendant **CSX TRANSPORTATION, INC.**

11. That at all times hereinafter mentioned, the Defendant **CSX TRANSPORTATION, INC.** repaired the aforesaid premises.

12. That on or about January 21, 2021, Plaintiff **TIMOTHY HARNETT** was lawfully on the public sidewalk in front of the aforesaid premises.

13. That on or about January 21, 2021, Plaintiff **TIMOTHY HARNETT** was a lawful pedestrian at the above-mentioned location.

14. That on or about January 21, 2021, while Plaintiff was lawfully on the public sidewalk in front of the aforesaid premises, Plaintiff was caused to sustain severe and permanent injuries.

15. That the above-mentioned occurrence, and the results thereof, were caused by the negligence of the Defendant and/or said Defendant's servants, agents, employees and/or licensees in the ownership, operation, management, maintenance and control of the aforesaid premises.

16. That no negligence on the part of the Plaintiff contributed to the occurrence alleged herein in any manner whatsoever.

17. That by reason of the foregoing, Plaintiff **TIMOTHY HARNETT** was caused to sustain serious injuries and to have suffered pain and suffering; that these injuries and their effects will be permanent; and as a result of said injuries, Plaintiff has been caused to incur, and will continue to incur, expenses for medical care and attention; and, as a further result, Plaintiff was, and will continue to be, rendered unable to perform Plaintiff's normal activities and duties and has sustained a resultant loss therefrom.

18. That by reason of the foregoing, Plaintiff **TIMOTHY HARNETT** was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, Plaintiff(s) demand(s) judgment against the Defendants herein, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: Great Neck, NY  
January 24, 2022

Yours, etc.



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HOWARD SCHATZ  
SILBOWITZ, GARAFOLA, SILBOWITZ,  
SCHATZ & FREDERICK, LLP  
ATTORNEY FOR PLAINTIFF(S)  
TIMOTHY HARNETT  
55 WATER MILL LANE, SUITE 400  
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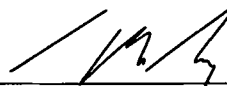
**ATTORNEY'S VERIFICATION**

HOWARD SCHATZ, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at SILBOWITZ, GARAFOLA, SILBOWITZ, SCHATZ & FREDERICK, LLP, attorneys of record for Plaintiff(s), **TIMOTHY HARNETT**. I have read the annexed **COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

This verification is made by me because Plaintiff(s) is/are not presently in the county wherein I maintain my offices.

DATED: Great Neck, NY  
January 24, 2022



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HOWARD SCHATZ

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-against-

CSX TRANSPORTATION, INC.

Defendant(s).

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**SUMMONS AND VERIFIED COMPLAINT**

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**Silbowitz, Garafola, Silbowitz, Schatz & Frederick, LLP***Attorneys for Plaintiff(s)*

55 Water Mill Lane, Suite 400

Great Neck, NY 11021


(212) 354-6800

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Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon, information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: January 24, 2022

Signature



Howard Schatz